

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN RE: FEDEX GROUND PACKAGE)	
SYSTEM, INC. EMPLOYMENT)	CAUSE NOS. 3:05-MD-527 RLM
PRACTICES LITIGATION (MDL 1700))	
)	
<hr/> <i>This Document Relates to:</i>)	
TOFAUTE ET AL. V. FEDEX GROUND)	CAUSE NO. 3:05-CV-595 RLM
PACKAGE SYSTEMS, INC.)	
)	
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ORDER

The court approved class counsel's motion for final approval of the New Jersey class action settlement, and granted in part their motion for attorney fees and costs. Counsel for the objecting class representatives now move for attorney fees and costs, and also for a stay of the timeline for parties to appeal until the court rules on that motion. Class counsel doesn't oppose the request for a stay.

Federal Rule of Civil Procedure 58(e) and Federal Rule of Appellate Procedure 4(a)(4)(A)(iii) allow the court to use its forthcoming order addressing the motion for attorney fees, rather than the entry of judgment, to trigger the timeline for parties to file an appeal. The class representatives' counsel filed a timely motion for attorney fees. Fed. R. Civ. P. 54(d)(2). The purpose of Rule 58 is "to give the courts the option to delay a merits appeal until fee issues were resolved where it was efficient to do so." Robinson v. City of Harvey, 489 F.3d 864, 869 (7th Cir. 2007). To avoid the possibility of parties filing two appeals, one on the merits and one on fees, the court will stay the timeline to file an

appeal until the court rules on the fee petition. The court GRANTS the class representatives' motion for a stay [Doc. No. 260].

SO ORDERED.

ENTERED: May 22, 2017

/s/ Robert L. Miller, Jr.
Judge
United States District Court